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EXAMINER

BOSWELL, BETH V

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Advisory Action***

1. The following is in response to after final communications received 5/22/09.
2. Applicant's arguments with regards to Kennedy et al. (U.S. 6,047,290) in view of Weber et al. (U.S. 2002/0156663) have been fully considered, but they are not persuasive.

Applicant argues that Weber is not valid prior art because its provisional application does not properly support the subject matter relied upon by examiner. However, Applicant merely alleges that Weber does not provide support in its provisional for 60/218640 because Applicant does not specifically points out the supposed errors in the examiner's action (i.e. what specific aspect of Weber is not supported by the Weber provisional). These arguments fail to comply with 37 CFR 1.111(b) because they amount to a mere broad allegation that the Examiner's action is in error, without specifically pointing out the supposed error in the examiner's action.

Examiner is not asking for Applicant to provide facts or support to show that the provisional supports of the non-provisional of Weber (see page 18 of arguments). However, Applicant must point out the specific error in Examiner's action and specifically identify what aspect of the Weber non-provisional is not supported by the Weber provisional. Since Examiner has satisfied her initial burden, and since Applicant has not specifically pointed out the supposed deficiencies in her action, Applicant's allegation that Weber is not valid prior art is unpersuasive.

Further, Applicant arguments with regards to the Kennedy et al. reference and the Weber et al. reference are substantially similar to those raised and addressed in the Final Office action dated 03/24/2009.

Art Unit: 3623

Any inquiry concerning this communication should be directed to Beth V. Boswell at telephone number (571)272-6737.

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623